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REMARKS

This is a full and timely response to the non-final Official Action mailed April 27, 2006. Reconsideration of the application in light of the following remarks is respectfully requested.

Claim Status:

No amendments are made by the present paper. Claims 24, 26-35 and 38-41 are currently pending for further action. The other claims have been cancelled without prejudice or disclaimer or withdrawn under a number of previous Restriction Requirements.

Prior Art:

With regard to the prior art, the Office Action rejected claims 24 and 29 as anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,122,759 to Ayanoglu et al. ("Ayanoglu"). For at least the following reasons, this rejection is respectfully traversed.

Claim 24 recites:

A system including a wireless data local-area-network that supports wireless portable devices, the system comprising:
a plurality of wireless access points in said network which receive wireless transmissions from said portable devices;
a processor for determining a location of a portable device based on transmissions received by any of said plurality of access points from said portable device, wherein said processor may be in said wireless portable device or may be in an access point or other networked device;
wherein a functionality of said portable device is altered in response to said determined location.

(emphasis added).

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Independent claim 29 similarly recites:

A method of controlling a wireless portable device which is part of a wireless data local-area-network that supports wireless portable devices, said network further comprising a plurality of wireless access points which receive wireless transmissions from said portable device, and a device, which is incorporated into said portable device or into said network, for determining a location of said portable device based on transmissions received by any of said plurality of access points from said portable device, *the method comprising altering a functionality of said portable device in response to said determined location.*

(emphasis added).

In contrast, Ayanoglu fails to teach or suggest a system or method in which a portable device determines its location and “a functionality of said portable device is altered in response to said determined location” as claimed.

Ayanoglu teaches an “ATM LAN wherein ATM cells are transported over a wireless point-to-point link,” with the “LAN consisting of a network of nodes called Portable Base Stations (PBSs) which provide microcell coverage.” (Ayanoglu, col. 3, lines 52-56). The wireless LAN is used to support mobile computers or “mobiles.” “The mobiles 28 which may be comprised of laptops, notebooks, etc. utilize multiple access protocols that permit mobiles to share the user to PBS links.” (Ayanoglu, col. 4, lines 6-8). Ayanoglu does not teach or suggest that the mobile laptops determine their location or alter their functionality in response to their determined location as claimed.

With respect to claims 24 and 29, the Office Action refers to Ayanoglu at col. 9, lines 38-67 through col. 10, lines 1-4. However, this portion of Ayanoglu merely describes that the mobile laptop registers with the local base station (PBS) and may, if moved, switch its registration to a new local PBS.

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Thus, the mobile laptop taught by Ayanoglu *does not* alter its functionality in response to its location. The functionality of the laptop is always the same. It is possible to take the laptop out of the coverage area of the LAN. However, this does not alter the functionality of the laptop. The laptop will continue to perform in the same way, including seeking a PBS with which to register until one is found.

Moreover, Ayanoglu does not teach or suggest that laptop correlates the PBS it is registered with to a location. Thus, Ayanoglu fails to teach or suggest "determining a location of said portable device based on transmissions received by any of said plurality of access points from said portable device" and "altering a functionality of said portable device in response to said determined location."

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least this reason, the rejection of claims 24 and 29, and their respective dependent claims, should be reconsidered and withdrawn.

The dependent claims of the application, claims 26-28 and 30-34, were rejected as being unpatentable under 35 U.S.C. § 103(a) over the combined teachings of Ayanoglu and U.S. Patent No. 6,351,639 to Motohashi ("Motohashi"). For at least the following reasons, this rejection is traversed.

Claim 26 recites: "The system of claim 24, wherein said portable device comprises a wireless phone unit that controls a ringer volume according to said determined location." Claim

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30 similarly recites: "The method of claim 29, wherein said portable device comprises a wireless phone unit, and said method further comprises automatically adjusts a ringer volume of said wireless phone unit based on conditions of said determined location."

The Office Action concedes that Ayanoglu fails to teach or suggest this subject matter. (Action of 4/27/06, p. 5). Consequently, the Action cites Motohashi as teaching "providing different features including setting up ringer volume subject to information restored in a predetermined location (see col. 12, lines 9-48, col. 15, lines 30-35)." (*Id.*). This is both irrelevant to what is actually claimed and incorrect.

The cited portions of Motohashi teach that one mobile phone may send a message to another to change the settings of the receiving phone, such as ringer volume. However, the receiving phone may be programmed to refuse such changes in settings received from another phone. (Motohashi, col. 12, lines 9 *et seq.*) There is no teaching or suggestion in Motohashi that the phone determines its location and then controls ringer volume according to that determined location as claimed.

Consequently, the combination of Ayanoglu and Motohashi fails to teach or suggest the subject matter of claims 26 and 30, namely a wireless phone unit that controls a ringer volume according to its determined location. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). For at least these additional reasons, the rejection of claim 26 should be reconsidered and withdrawn.

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Claim 27 recites: "The system of claim 24, wherein said portable device comprises a wireless phone unit that controls a voice mail feature according to said determined location."

Claim 28 recites: "The system of claim 24, wherein said portable device provides different features or information according to said determined location."

The recent Office Action fails to address claims 27 and 28. The recent Office Action does not indicate how or where the combination of Ayanoglu and Motohashi teaches or suggests the subject matter of claims 27 and 28. Consequently, no *prima facie* case of unpatentability has been made with respect to claims 27 and 28. See M.P.E.P. § 706.02(j). For at least these additional reasons, the rejection of claims 27 and 28 must be supported or reconsidered and withdrawn.

Claim 31 recites: "The method of claim 30, wherein said method comprises increasing said ringer volume if said determined location has conditions comprising ambient noise." The recent Office Action fails to address claim 31. The recent Office Action does not indicate how or where the combination of Ayanoglu and Motohashi teaches or suggests the subject matter of claim 31. Consequently, no *prima facie* case of unpatentability has been made with respect to claims 31. See M.P.E.P. § 706.02(j). For at least these additional reasons, the rejection of claim 31 must be supported or reconsidered and withdrawn.

Claim 33 recites:

The method of claim 29, wherein said portable device comprises a wireless phone unit with voice mail, and said method further comprises automatically activating and deactivating a ringer of said wireless phone unit in response to said determined location,

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wherein at least one location within an area of said network is associated with having said ringer deactivated.

The recent Office Action fails to address claim 33. The recent Office Action does not indicate how or where the combination of Ayanoglu and Motohashi teaches or suggests the subject matter of claim 33. Consequently, no *prima facie* case of unpatentability has been made with respect to claims 33. See M.P.E.P. § 706.02(j). For at least these additional reasons, the rejection of claim 33 must be supported or reconsidered and withdrawn.

Claim 34 recites: "The method of claim 29, said method further comprises providing different features or information in response to said determined location." The recent Office Action fails to address claim 34. The recent Office Action does not indicate how or where the combination of Ayanoglu and Motohashi teaches or suggests the subject matter of claim 34. The Office Action only mentions the connectivity of laptops to the wireless LAN of Ayanoglu, not providing different features or information in response to a determined location. Consequently, no *prima facie* case of unpatentability has been made with respect to claims 34. See M.P.E.P. § 706.02(j). For at least these additional reasons, the rejection of claim 34 must be supported or reconsidered and withdrawn.

Claim 35 was rejected as being unpatentable under 35 U.S.C. § 103(a) over the combined teachings of Ayanoglu and U.S. Patent No. 5,440,740 to Chen et al. ("Chen"). For at least the following reasons, this rejection is traversed.

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Claim 35 recites:

The method of claim 29, wherein said portable device is a personal digital assistant, and said method further comprises *adjusting an amount of time prior to a scheduled event that an alert of said event is given based on said determined location and a distance between said determined location and a location associated with said scheduled event.*

(emphasis added).

The Office Action concedes that Ayanoglu fails to teach or suggest the subject matter of claim 35. (Action of 4/27/06, p. 6). Consequently, the Action cites to Chen at Fig. 13 and col. 20, lines 5-26. However, this portion of Chen merely teaches that an "alarm clock sound task 299 may represent an alarm clock sound which is provided at a predetermined time to alert a user of a calendared or scheduled event." (Chen, col. 20, lines 11-12).

Thus, the combination of Ayanoglu and Chen fails to teach or suggest the claimed method including adjusting the amount of time prior to a scheduled event that an alert is given based on a determined location of the portable device and the distance to the scheduled event. To the contrary, Chen teaches away from this idea by always providing an alarm clock sound "at a predetermined time." Chen does not teach or suggest any possible variation in the timing of the alarm clock sound as claimed.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). For at least these reasons, the rejection of claim 35 should be reconsidered and withdrawn.

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Claims 38-41 were rejected as being unpatentable under 35 U.S.C. § 103(a) over the combined teachings of Ayanoglu and U.S. Patent No. 5,890,088 to Nimura et al. ("Nimura"). This rejection is traversed for at least the reasons given above with respect to claim 29 and for the following additional reasons.

Claim 38 recites: "The system of claim 24, wherein said portable device displays a map comprising an indication of a location of said portable device and a location of an upcoming appointment." Claim 39 recites "The system of claim 38, wherein said portable device further displays directions to said location of said upcoming appointment." Claims 40 and 41 recite similar subject matter in connection with independent claim 29.

The Office Action concedes that Ayanoglu fails to teach or suggest any of this subject matter. (Action of 4/27/06, p. 6). Consequently, the Action cites to Nimura. However, Nimura also does not teach or suggest the subject matter of claims 38-41. Nimura teaches a portable electronic device that can display a map and will match structures on the map to user input criteria. (Nimura, abstract and col. 6, lines 32-55).

However, the system taught by Nimura does not display an indication of a location of the portable device as claimed. Moreover, Nimura does not even mention displaying a location of an upcoming appointment. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). For at least these reasons, the rejection of claims 38-41 should be reconsidered and withdrawn.

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Double Patenting:

The recent Office Action rejected claims 38-41 under the judicially-created doctrine of obviousness-type double patenting in view of U.S. Patent No. 6,813,608 to Baranowski. This rejection is respectfully traversed for at least the following reasons.

The Office has apparently failed to note that claims 38-41 are dependent claims. As dependent claims, they incorporate all the features of the claims from which they depend, namely independent claims 24 and 29, respectively.

Therefore, it is logically impossible for claims 38-41 to be obvious in view of claims 15-17 of U.S. Patent No. 6,813,608 unless independent claims 24 and 29 are also held obvious in view of claims 15-17 of U.S. Patent No. 6,813,608. Since independent claims 24 and 29 were not included in the double patenting rejection, Applicant assumes that the double patenting rejection is in error and will be reconsidered and withdrawn.

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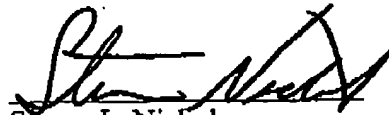
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Conclusion:

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. No fees are believed due in connection with this paper. However, if any fees are owed in connection with this paper which have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,


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I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number **571-272-8300** on **July 27, 2006**. Number of Pages: **23**


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